ground (as some of the judges in the principal case seem to have done) that the defendant is liable, because he has control of the servant, whether the servant was acting in the scope of his employment or not, is to apply the broad test of the *course* of employment. On this point the courts are in hopeless conflict. See 1 JAGGARD, TORTS, p. 257. Again, the decision might be placed on the liability of a landowner for *anything* brought on the premises. *Fletcher* v. *Rylands,* L. R. 1 Exch. 265, is the leading case on this point. But this case has been greatly modified by some courts, notably in the jurisdiction of the principal case, *Losee* v. *Buchanan,* 51 N. Y. 476, and the doctrine is there restricted to dangerous agencies, as fire and explosives. In New York, therefore, in order to base the decision on the latter ground, it would be necessary to hold that the factory hands were dangerous, that holding being based on the fact that the defendant knew their characteristics. The latter ground for the decision was not discussed in the principal case, but is merely suggested as a possible solution.

MASTER AND SERVANT—UNLAWFUL SALES OF INTOXICATING LIQUORS BY DRUG CLERK—CRIMINAL LIABILITY.—On a trial of a druggist for unlawful sale by clerk, under statute forbidding "liquors to be sold or given away in any drug store," *Held,* by the majority, that the owner is liable to prosecution, notwithstanding he was ignorant of the sale and that the clerk disobeyed orders. *Walters* v. *State* (1910), — Ind. —, 92 N. E. 537.

Did the legislature, by this statute, intend to make the master liable? Some writers state that there is a conflict in the construction of such statutes. CLARK AND MARSHALL, LAW OF CRIMES, 265. There are a large number of cases apparently bearing out such a statement. But when closely scrutinized many of them will be found to be based on materially different statutes. For instance, a statute providing "a sale by a clerk shall be deemed to be the act of the keeper," *State* v. *McGinnis,* 38 Mo. App. 15. Or imposing a penalty on one "who sells by himself or another," *Cloud* v. *State,* 36 Ark. 151; *Snider* v. *The State,* 81 Ga. 753. And so under a statute subjecting to its penalty, "any person who may own * * * liquor sold contrary to this act." *Fahey* v. *State,* 62 Miss. 402. Or making it a crime to sell, "either directly or indirectly." *State* v. *Kittelle,* 110 N. C. 560. And so if the statute requires that all saloons shall be closed on Sunday, and makes "any" saloon keeper punishable for a violation. *People* v. *Roby,* 52 Mich. 577. It is easy to see that in the above cases the intention of the legislature was to punish the *owner* of the saloon, etc. But in the principal case it is merely the "sale" or "giving away" that is forbidden. Starting with the common law rule that one is not criminally liable for the acts of another, and keeping in mind the fact that criminal laws are to be strictly construed, it would seem that stronger language than that in the Indiana statute should be required in order to make the owner criminally liable. There is much force in the words of the dissenting opinion, "It is better that the well settled rules of our criminal law be inflexibly maintained, instead of bending or modifying them to sustain some particular case. It is the wrong decision of today which becomes the bad precedent of tomorrow."